

CITY COUNCIL MEETING MONDAY, OCTOBER 25, 2010

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Steve Elmarzouky, Islamic Center of Reading.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor's Assistant F. Denbowski
Sergeant at Arms, Capt. R. Schafer

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing the achievements of Dr. C. James Holliman

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens are registered to address Council on agenda matters and one (1) citizen is registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered of the remaining public speaking rules.

Denton Buckley, of Penn Street and owner of Gilbert's Furniture, stated that he is also a member of the Downtown Improvement District and expressed his belief that the increase of parking fines and the extension of parking enforcement at parking meters is a

detriment to downtown businesses. He also expressed the belief that the proposed ordinance is also a detriment to entertainment and restaurant venues. He expressed belief that the proposed ordinance will be counter productive to all downtown business and entertainment activities.

Ronald Buckley, of Penn Street and owner of Gilbert's Furniture, reiterated the comments made by customers and other downtown business owners concerning their opposition to increasing the parking fines and extending the enforcement hours at parking meters downtown. He expressed the belief that this proposal will harm businesses. He also expressed the belief that less strict enforcement will benefit downtown businesses. He stated that the new restrictions may force customers out of Reading.

Sylvia Christy, of Penn Street, questioned why the City needs a Cat Patrol during difficult financial times. She suggested that the City instead focus on more pressing matters.

Tracey Griffith, of North 5th Street, expressed the belief that the proposed ordinance will not protect the health or welfare of City residents. She expressed the belief that pet licensing is a poor way to manage the issue. She expressed the belief that the proposed ordinance will harm animal foster homes and questioned the constitutionality of the proposed ordinance.

Sandra Lee Burkhart, of North 11th Street, was not present.

Lisa Johnson, of North 11th Street, was not present.

Bonnie Gernert, of North 10th Street, stated that she will continue to protest any legislation placing restrictions on pet ownership. She expressed the belief that the Animal Rescue League should not propose such an ordinance when they sit as judge and jury. She also expressed the belief that the proposed ordinance puts pet owners at risk. She described various problems residents have with the Animal Rescue League on a regular basis. She questioned the constitutionality of the proposed ordinance.

Lisa Shinn, of Hampden Boulevard, expressed the belief that the number of pets per household is not a problem. She suggested that the ordinance include more definitive terms. She also stated that enforcement of the City's current laws will rectify the problem.

Bill Katinowski, of Sinking Spring, described a recent injury to a friend caused by his mugging in the Centre Park area. He noted the need to address criminals and crime.

He also described the recent assistance the City's EMS service provided at his mother's home. He thanked EMS providers for their outstanding service.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting and the minutes from the October 11th regular meeting of Council. He noted the need to add two (2) pieces of legislation to the agenda this evening as follows:

- Award of Contract to the Consent Agenda authorizing Northeast Industrial to demolish the Cold Storage building located at Elm and Reed Streets
- Resolution authorizing the Administration to petition the Berks County Court of Common Pleas to seek permission for a commuter earned income tax

CONSENT AGENDA LEGISLATION

Award of Contract - for Motor Oils and Lubricants for the Department of Public Works and the RAWA between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted. PPC Lubricants and Craft Oil are the low bidders to meet the specifications (**Purchasing**)

Award of Contract - for Northeast Industrial to demolish Cold Storage building located at Elm and Reed Streets.

Councilor Marmarou moved, seconded by Councilor Acosta, to approve the minutes from the October 11th regular meeting of Council and the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Interim Managing Director Geffken highlighted the report distributed to Council at the meeting covering the following:

- Requesting approval of the Codes Maintenance Aides.
- Questioning the limitation on the dog and cat ordinance
- Budget Review Schedule
- Trick or Treat Night scheduled for October 31st from 6pm-9pm.

Councilor Waltman noted the Mayor's right to vacation; however he expressed the belief that the Mayor is a necessary component of the Budget discussions currently occurring. He asked Mr. Geffken to convey that message to the Mayor.

Mr. Geffken noted the Administration's position to reinstate six (6) additional Police Officers.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- Update on Admission Tax Collection from 2006-2010
- Update on Real Estate Transfer Tax from 2006-2010
- Update on Public Utility Realty Tax from 1997-2010

ORDINANCES FOR FINAL PASSAGE

Bill No. 82- 2010 - An ordinance of the City of Reading Codified Ordinances, Chapter 4, Part 1 Historical Districts by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers (**Council Staff**) *Introduced at the October 11 regular meeting*

Councilor Sterner moved, seconded by Councilor Acosta, to enact Bill 82-2010.

Mr. Spencer stated that this ordinance was stimulated through the monthly Historic District meetings where the need for improved enforcement of the Historic District ordinance was discussed over a long period of time.

Councilor Waltman stated that he is pleased that these monthly meetings moved this issue forward.

Bill 82-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Bill No. 83-2010 - amending the 2010 City of Reading Full Time Position Ordinance by adding the position of Controller in the Department of Finance (**Business Analyst**) *Introduced at the October 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 83-2010.

Council President Spencer stated that the creation of this position is called for in the Act 47 Recovery Plan.

Interim Managing Director Geffken stated that the salary of this position will be covered

in part by a three (3) year DCED grant in the amounts of \$75K for the first year, \$50K for the second year, and \$25K for the third year. After the third year the City will carry will the entire cost for the controller position if it's continued.

Councilor Goodman-Hinnershitz expressed the belief that this position will be a valuable asset to the City.

Interim Managing Director Geffken stated that as the City's budget and financial issues grow, additional staff is needed to help manage the various problems.

Bill 83-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Bill No 84-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-678 Disability Benefits **(Law)** *Introduced at the October 11 regular meeting*

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 84-2010.

City Solicitor Younger explained that this amendment was proposed by the Officer's and Employee's pension solicitor.

Interim Managing Director Geffken also stated that the proposed ordinance also answers many questions concerning years of service and disability.

Bill 84-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Bill No 85-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-682 Refund of Contribution **(Law)** *Introduced at the October 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill 85-2010.

City Solicitor Younger stated that this proposed ordinance is also presented by the

Solicitor to the Officer's and Employee's Pension Board.

Bill 85-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Bill No 86-2010 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees – Vending Machine Fees **(Council Staff)** *Introduced at the October 11 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to tabled Bill 86-2010

Bill 86-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Council President Spencer stated that this ordinance was tabled pending a follow-up meeting with the vending business scheduled for tomorrow at 4pm.

Bill No 87-2010 – Amending the 2010 Full Time Position Ordinance by adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department **(Business Analyst)** *Introduced at the October 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enacted Bill 87-2010

Interim Managing Director Geffken stated that the cost of these positions will be covered by the quality of life ticketing. He stated that these employees will work an average six (6) days per week.

Councilor Goodman-Hinnershitz expressed her belief in the need for these positions to improve the enforcement of the City's quality of life violations on a timely basis.

Councilor Sterner requested that the Administration provide quarterly follow-up about these positions and the enforcement of the City's quality of life ordinances.

Councilor Waltman expressed the belief that the current Codes staffing is optimal. He suggested that policy drive enforcement. He expressed the belief that Codes enforcement needs to be smart, efficient, and responsible. He also noted the need for tested funding to support the ordinance prior to its enactment.

Council President Spencer questioned the appeal process. City Solicitor Younger stated that a quality of life violation is appealed to the Codes Administrator. City Clerk Kelleher added that the ordinance is written similar to the Disruptive Conduct ordinance whereby appeals to the Codes Administrator's decision may be appealed to the Court of Common Pleas.

Councilor Acosta expressed concern that the Maintenance Aides will need to ticket 6,000 properties per year. He noted his disagreement with the concept.

Interim Managing Director Geffken stated that the Maintenance Aides will cost approximately \$140K each year and the Aides would need to issue 22 tickets each day. He stated that the Aides will not be cross-trained as they will have a lower level of responsibility when compared to the Property Maintenance Inspectors.

Councilor Goodman-Hinnershitz expressed the belief that the initial impact could be large and work to change the behavior of City residents.

Councilor Reed also noted the need for the Aides to address questionable behavior and activities on weekends.

Councilor Acosta clarified that he is not opposed to holding people accountable but questions the City's ability to generate sufficient revenue to sustain these three (3) new positions.

Council President Spencer suggested that existing Codes staff could issue quality of life tickets too, as they are out on the street daily. Interim Managing Director Geffken replied that Property Maintenance Inspectors can issue tickets; however the lack of three (3) additional personnel will negatively affect the City's ability to move the inspection schedule to once every two to three years.

Councilor Acosta noted the need for improved leadership from current Codes employees. Councilor Marmarou called for the question.

Bill 87-2010 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner - 4.

Nay: Acosta, Waltman, Spencer, President- 3.

Bill No 88-2010 - Amending the 2010 Full Time Position Ordinance by adding one (1) Program Managers under Community Development (**Business Analyst**) *Introduced at the October 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill 88-2010

Bill 88-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman– 6.

Nay: Spencer, President - 1.

Bill No. 89-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 24 Taxation, Special, Part 4 Local Services Tax, Section 24-401 definitions, thereby redefining terms “Tax Manager” and “Treasurer” for said Part 4 (**Law**) *Introduced at the October 11 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 89-2010

Interim Managing Director Geffken explained that this ordinance provides collections by a third party agent which will be necessary when the City shifts Earned Income Tax and LST collection to Berks Earned Income Tax.

Bill 89-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President– 7.

Nay: None - 0.

Bill No 90-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503 thereby removing Saturdays as an excepted day for enforcement (**Law**) *Introduced at the October 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 90-2010

Bill 90-2010 was tabled by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 6.

Nay: Acosta- 1.

Bill No 91-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504 Thereby extending hours of enforcement between 8:00 am and 8:00 pm **(Law) Introduced at the October 11 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 91-2010

Bill 91-2010 was tabled by the following vote:

Yea: Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President – 5.

Nay: Acosta, Marmarou- 2.

Ordinance 92–2010 - providing for a tax of up to a maximum of one and three tenths percent (1.3%) on all earned income and net profits generated in the City of Reading by non-residents of the City of Reading **(Finance) Introduced at the October 4 special meeting**

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill 92-2010

Interim Managing Director Geffken explained that the City needs to approve this ordinance and an accompanying resolution in order to get this issue before the Court of Common Pleas for decision by December.

Councilor Waltman noted that the Commuter Earned Income Tax is included in the Act 47 Recovery Plan. He stated that he will not support this ordinance as it does not address the City's most principal issues.

Councilor Goodman-Hinnershitz stated that she will support this ordinance, along with other short and long term components.

Interim Managing Director Geffken stated that the City expects to collect \$2.5M for three (3) quarters in the 2011 calendar year. He explained that the City will not begin receiving revenue from this tax until Spring 2011, if the tax is approved by the court.

Bill 92-2010 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner – 4.

Nay: Acosta, Waltman, Spencer, President - 3.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the Animal Control ordinance by limiting the number of cats and dogs per household (**Legislative Aide Committee/Council Staff**)

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts (**Waltman/Council Staff**)

RESOLUTIONS

A. Resolution 102-10 authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$114,140 in CDBG funding from the Barbey's Playground activity to the renovation of the 9th and Marion, 8th and Court, Reed and Walnut Fire Station activities (**Community Development**)

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution 102-2010.

Interim Managing Director stated that this reallocation will cover all the necessary expenses to make the various repairs to three of the City's fire stations.

Councilor Waltman noted the need to include the Barbey's playground in the CDBG Action Plan.

Resolution 102-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

Resolution 103-2010 – Authorizing the Administration to petition the Court of Common Pleas for permission to impose a non-resident Earned Income Tax in the amount not to exceed 1/3 tenths percent for 2011.

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 103-2010

Resolution 103-2010 was adopted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 5.

Nay: Acosta, Waltman - 2.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz noted the improved Codes compliance along Mineral Spring Road.

Councilor Goodman-Hinnershitz described various efforts to address the litter problem at the Pagoda.

Councilor Sterner thanked those who provided Public Comment this evening. He also noted the tough decisions Council must make annually on budget issues and the City's financial condition.

Councilor Reed asked Mr. Geffken to strenuously explore additional grant opportunities. Councilor Reed announced the meeting with the City's vending business tomorrow at 4pm in the Council Office.

Council President Spencer described his position on opposing the Commuter Earned Income Tax ordinance.

Council President Spencer reviewed the Council meeting schedule.

Councilor Acosta moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk